

For a full-text copy of the Nonsmoking Ordinance, go to www.cityofshelbyvillein.com.

For additional information about the new law, contact the City Attorney, Brett J. Haacker:

317-398-6624



Interested in quitting smoking?

Call the Shelby County Drug Free Coalition, at 317-398-3135

-or-

1-800-quit-now

The Office of the City Attorney
44 West Washington Street
Shelbyville, Indiana 46176

From the Office of the
City Attorney

The Shelbyville Citizens' Guide to the City's Nonsmoking Ordinance

Information and answers to
frequently asked questions about
the new law.



**Shelbyville Department of Law
Tel: 317-398-6624**

On April 17, 2006, the Shelbyville Common Council passed Ordinance 06-2564, which generally prohibits smoking in all public places and all places of employment. The law provides for six specific locations that may be exempt from the smoking prohibition: private residences; private vehicles, when not being used in the service of an employer; hotel or motel rooms designated as smoking rooms; bars; private clubs; and self-contained bar areas.

FAQs about the new Ordinance

Q: When does the new law take effect?

A: August 1, 2006.

Q: Does the new law apply only to restaurants?

A: No. The new law applies to every location that is open to the public, and every place that people work or volunteer.

Q: Can I legally smoke outside?

A: Yes, but subject to some limitations. While you may generally smoke outside, you may only do so if you are a reasonable distance away from all nearby nonsmoking areas. For instance, you generally may smoke on a sidewalk or in a parking lot; but you may only do so if you are a reasonable distance away from all nonsmoking areas at the time.

Q: What is a "reasonable distance"?

A: Enough distance to insure that tobacco smoke cannot enter into a nonsmoking area through a door or window.

This information has been published for the purposes of explaining the new city law, but it is not intended to substitute for the full-text version of the city ordinance.

Q: Can any business claim a smoking exemption?

A: No. Other than designated smoking rooms in hotels and motels, only a business with a valid alcohol permit may claim an exemption.

Q: Is smoking allowed in every bar and private club?

A: No. There are smoking exemptions available to bars and private clubs, but a bar or private club must apply for an exemption with the City Attorney's Office before they may claim such an exemption. A bar may only allow smoking if it prohibits building access to anyone under 18.

Q: How will I be able to tell if I'm allowed to smoke in a particular bar or private club?

A: If there are no "No Smoking" signs posted at the entrances, and the bar or private club makes ashtrays available to you, you may assume that the bar or private club has a valid exemption. Under the law, all business owners are required to post "No Smoking" signs and to remove all ashtrays and smoking paraphernalia from nonsmoking areas. Only bars and private clubs with proper exemptions may legally make ashtrays and smoking paraphernalia available.

Q: What is a self-contained bar area?

A: It is a room or area located within a restaurant that contains a bar, and it is completely enclosed and separated from the rest of the building. There is a smoking exemption available to self-enclosed bar areas that meet the requirements in the ordinance.

Q: Are "smoking rooms" allowed?

A: Except for self-enclosed bar areas, "smoking rooms" and "smoking sections" are prohibited by the new law.

Q: What should I do if I enter a business that is required to be nonsmoking and discover people smoking inside?

A: You should first bring the violation to the attention of the business manager or owner. If the smoking continues even after you have brought it to the attention of the manager or owner, you should file a complaint with the City Attorney.

Q: Can I smoke in a city park?

A: No. The ordinance prohibits smoking in places the public assembles to engage in physical exercise or recreation.

Q: If I light a cigarette in a nonsmoking area, am I subject to a fine?

A: Yes. Any person who engages in the act of smoking in a nonsmoking area is subject to a minimum fine of \$50.

Q: Who is subject to a fine for violations of the ordinance?

A: In addition to the people who engage in an illegal act of smoking, owners, managers, and operators of nonsmoking areas may all be subject to fines for violations.

Q: How much will fines cost?

A: Individual smokers face a minimum fine of \$50 per offense; and owners, managers, and operators of premises face, among other penalties, a minimum fine of \$200 for knowingly, willfully, recklessly allowing smoking to occur where prohibited by the ordinance.

From the Office of the City Attorney

Brett J. Haacker
Department of Law
44 West Washington Street
Shelbyville, Indiana 46176

Phone: 317-398-6624

Email: bhaacker@cityofshelbyvillein.com